

REMARKS

Favorable consideration and allowance are respectfully requested for claims 1, 3-7, 9-22 in view of the foregoing amendments and the following remarks.

In the Office Action dated December 24, 2002, the drawings were objected to; claims 7 and 8 were rejected under 35 U.S.C. § 101; claims 1, 2, 4, and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Nos. 6,356,940 ("Short"), 5,233,520 ("Kretsch"), 5,974,396 ("Anderson"), and 5,960,403 ("Brown"); claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Short, Kretsch, Anderson, and Brown as applied to claim 1, in view of U.S. Patent No. 6,387,956 ("Shapira"); claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Short, Kretsch, Anderson, and Brown as applied to claim 4, in view of U.S. Patent No. 5,930,759 ("Moore"); and claims 7-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Nos. 6,401,072 ("Haudenschild"), 4,951,197 ("Mellinger"), 5,787,186 ("Schroeder"), 5,332,579 ("Umbdenstock"), 6,375,077 ("Hankins"), 5,542,420 ("Goldman"), and 4,636,949 ("Longabaugh"). These rejections are respectfully traversed.

Drawings

The Examiner objected to the Figures 4-14, stating that a descriptive label for each numbered element would enable better understanding of the figures "without substantial analysis of the detailed specification." As such, Applicant has modified these figures in accordance with the Examiner's suggestion and has provided a

redlined version and a formal version. Withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. § 101

Claims 7 and 8 were rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. Claim 8 has been cancelled. Claim 7 has been amended to provide additional “inter-relationship description between fields listed.” Accordingly, withdrawal of the rejection of claims 7 and 8 is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

Claims 1, 2, 4, and 5 were rejected as being unpatentable over Short, Kretsch, Anderson, and Brown. Claim 1 has been amended to include the recitation of “transmitting user assessments of the dietary information to the dietary information database for access by future users,” which is at least supported by the specification at page 3, paragraph 1. The office action, at page 5, states that “...evaluations of the dietary information...” is taught by Short at col. 2, lines 13-21 and col. 2, lines 60-62.” The passages cited by the Examiner appear to relate to suggested modifications of the user’s diet that are communicated to the remote users. As amended, claim 1 clearly recites that assessments are communicated from users to the dietary information database for access by future users.

Accordingly, withdrawal of the rejection of claim 1, and its dependent claims 3 and 11-18, is respectfully requested.

Claim 3 was rejected under as being unpatentable over Short, Kretsch, Anderson, and Brown as applied to claim 1, in view of Shapira. Claim 3 has been amended to recite “manipulating the information further comprises evaluating the interaction between the dietary information and medication information and said table of information further comprises drug/food contraindications.” The insertion is at least supported by the specification at page 13, paragraph 2. The office action, at page 7, states that “Shapira teaches the evaluation of the interaction between the dietary information and medication information as follows” and provides passages referenced at col. 8, lines 3-12, and col. 3, lines 13-17. The first passage, at column 8, provides tests under which patients were evaluated. It is not seen how this provides a prima facie case, as it fails to provide an “evaluation of the interaction between the dietary information and medication information” or the amended limitation of “drug/food contraindications.” The second passage, at column 3, appears to relate to the fact that people who use monoamine oxidase inhibitors need to avoid drug interactions. The fact that certain people need to avoid drug interactions does not teach or suggest the claim 3 recitation of “manipulating the information further comprises evaluating the interaction between the dietary information and medication information and said table of information further comprises drug/food contraindications.” Accordingly, withdrawal of the rejection of

claim 3 is respectfully requested for the above reasons, in addition to the fact that claim 3 is dependent on allowable base claim 1.

Claim 4 has been amended to recite that the computer manipulates the transmitted information to provide a summary of appropriate dietary information based on said plurality of factors, wherein the factors include anthropometric, metabolic, life stage, and dietary prescription data. The combination of references, Short, Kretsch, Anderson, and Brown, do not teach or suggest the combination of factors including anthropometric, metabolic, life stage, and dietary prescription data. Accordingly, withdrawal of the rejection of claim 4 and its dependent claims 5, 6, and 19-22 is respectfully requested.

Claims 7-10 were rejected as being unpatentable over Haudenschild, Mellinger, Schroeder, Umbdenstock, Hankins, Goldman, and Longabaugh. Claim 7 has been amended to more clearly recite the claimed invention. In the wherein clause, the menu plan has been connected to "a user" and the nutritional and medication databases have been supplemented with the phrase "to access information based on nutrition and drug/food contraindications" to overcome the rejection under section 101.

The purported motivation to combine the seven applied patents is that the patents "teach the use of databases" and "teach the use of food." Such statements are so general that their use indicates that the applied combinations are based on improper hindsight reconstruction. For example, Schroeder has nothing to do with the other references, or the claims, except for the fact that he uses the word

“anthropometric.” Additionally, the rejections of claims 8, 9, and 10 do not provide any reason whatsoever why the applied combination would have been obvious at the time the invention was made.

Moreover, a prima facie case has not been made. For example, the citations to Umbdenstock and Longabaugh are not related to “a system for communicating dietary information ...” as claimed; rather, Umbdenstock relates to a method of treating addicts by ingesting a nutritional supplement and Longabaugh is directed to controlling the operation of a commercial deep-fryer cooker. In addition, the reference to col. 4, lines 33-36, of Longabaugh and the reference to col. 6, lines 59-63, and col. 20, lines 47-50, of Haudenschild are not understood in the context of the recitations of claims 7 and 9, respectively. Accordingly, for the reasons set forth above, withdrawal of the rejection of claims 7, 9, and 10 is respectfully requested.

CONCLUSION

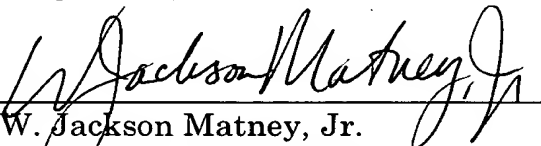
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response; please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #100068/51817US).

Respectfully submitted,

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# Overview Page

<u>102</u> interview	<u>122</u> about e 3 squares
<u>104</u> today's menu	<u>124</u> display
<u>106</u> this week's menu	<u>126</u> benefits offered
<u>108</u> recipes	<u>128</u> site layout/tour
<u>110</u> restaurants	<u>130</u> membership benefits
<u>112</u> inventory	<u>132</u> consult a dietitian
<u>114</u> shopping	<u>133</u> consult a physician
<u>116</u> education	<u>134</u> newsletter
<u>118</u> community	<u>136</u> privacy statement
<u>120</u> lifestyles	<u>138</u>
<u>140</u> tracking	
<u>142</u> computations	
<u>150</u> help	

Figure 4

OK To enter  
W. E. Gadd  
8/15/03

# Interview Screen

<u>102</u> interview	<u>201</u> personal data
<u>104</u> today's menu	<u>202</u> anthropometrics
<u>106</u> this week's menu	<u>203</u> special metabolic needs
<u>108</u> recipes	<u>204</u> food preferences
<u>110</u> restaurants	<u>205</u> health status
<u>112</u> inventory	<u>206</u> food allergies
<u>114</u> shopping	<u>207</u> life stage
<u>116</u> education	<u>208</u> dietary prescription
<u>118</u> community	<u>209</u> cooking complexity
<u>120</u> lifestyles	<u>210</u> meal plan override
<u>140</u> tracking	<u>211</u> professional referral
<u>142</u> computations	
<u>150</u> help	

200



Figure 5



# Weekly Menu Screen

<u>102</u> interview	<u>301</u> members
<u>104</u> today's menu	
<u>106</u> this week's menu	
<u>108</u> recipes	
<u>110</u> restaurants	
<u>112</u> inventory	
<u>114</u> shopping	
<u>116</u> education	<u>302</u> display
<u>118</u> community	
<u>120</u> lifestyles	
<u>140</u> tracking	<u>303</u> ganges
<u>142</u> computations	
<u>150</u> help	<u>305</u> budget

300



Figure 6



## Daily Menu Screen

<u>102</u> interview	<u>401</u> members
<u>104</u> today's menu	
<u>106</u> this week's menu	
<u>108</u> recipes	
<u>110</u> restaurants	
<u>112</u> inventory	
<u>114</u> shopping	
<u>116</u> education	<u>402</u> display
<u>118</u> community	
<u>120</u> lifestyles	
<u>140</u> tracking	<u>403</u> gauges
<u>142</u> computations	
<u>150</u> help	<u>405</u> budget

400  
↙

Figure 7



# Restaurant Menu Screen

<u>102</u> interview	<u>501</u> members
<u>104</u> today's menu	
<u>106</u> this week's menu	
<u>108</u> recipes	
<u>110</u> restaurants	
<u>112</u> inventory	<u>502</u> display
<u>114</u> shopping	
<u>116</u> education	
<u>118</u> community	
<u>120</u> lifestyles	<u>503</u> gauges
<u>140</u> tracking	
<u>142</u> computations	
<u>150</u> help	

500

Figure 8



600

## Shopping Screen

<u>102</u> interview	<u>601</u> store(s)
<u>104</u> today's menu	<u>602</u> today's list
<u>106</u> this week's menu	<u>603</u> entire list
<u>108</u> recipes	<u>604</u> edit list
<u>110</u> restaurants	<u>605</u> kitchen items
<u>112</u> inventory	<u>606</u> online grocer
<u>114</u> shopping	<u>607</u> generate list
<u>116</u> education	<u>608</u> online special
<u>118</u> community	<u>609</u> competitive bids
<u>120</u> lifestyles	<u>612</u> display
<u>140</u> tracking	
<u>142</u> computations	
<u>150</u> help	

Figure 9

# Inventory Screen

<u>102</u> interview	<u>701</u> food inventory
<u>104</u> today's menu	<u>702</u> kitchen inventory
<u>106</u> this week's menu	<u>703</u> build shopping list
<u>108</u> recipes	<u>704</u> online grocer
<u>110</u> restaurants	<u>705</u> competitive bids
<u>112</u> inventory	
<u>114</u> shopping	
<u>116</u> education	
<u>118</u> community	
<u>120</u> lifestyles	
<u>140</u> tracking	
<u>142</u> computations	
<u>150</u> help	

700



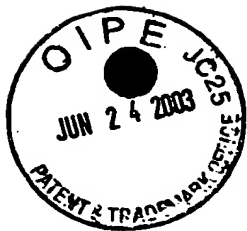
Figure 10

Education Screen

<u>102</u> interview		
<u>104</u> today's menu		
<u>106</u> this week's menu		
<u>108</u> recipes		
<u>110</u> restaurants		
<u>112</u> inventory		
<u>114</u> shopping		
<u>116</u> education		
<u>118</u> community		
<u>120</u> lifestyles		
<u>140</u> tracking		
<u>142</u> computations		
<u>150</u> help		

Figure 11





900

## Lifestyles Screen

<u>102</u> interview	<u>901</u> newsletters
<u>104</u> today's menu	<u>902</u> chat room
<u>106</u> this week's menu	<u>903</u> culinary travel
<u>108</u> recipes	<u>904</u> food camps
<u>110</u> restaurants	<u>905</u> spas
<u>112</u> inventory	<u>906</u> cooking schools
<u>114</u> shopping	<u>907</u> personal chef referrals
<u>116</u> education	
<u>118</u> community	
<u>120</u> lifestyles	
<u>140</u> tracking	
<u>142</u> computations	
<u>150</u> help	

Figure 12



1000

# Tracking Screen

<u>102</u> interview	<u>1001</u> enter data
<u>104</u> today's menu	<u>1002</u> Weight tracking
<u>106</u> this week's menu	<u>1003</u> cholesterol tracking
<u>108</u> rec-ipes	<u>1004</u> calorie intake
<u>110</u> restaurants	
<u>112</u> inventory	
<u>114</u> shopping	
<u>116</u> education	
<u>118</u> Community	
<u>120</u> lifestyles	
<u>140</u> tracking	
<u>142</u> computations	
<u>150</u> help	

Figure 13



1100

# Computation Screen

102 interview	1101 computations
104 today's menu	1102 calories per individual per day
106 this week's menu	1103 grams of protein per individual per day
108 recipes	
110 restaurants	
112 inventory	
114 shopping	
116 education	
118 community	
120 lifestyles	
140 tracking	
142 computations	
150 help	



Figure 14